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28-CV-2022-900065 DISTRICT COURT
CIRCUIT COURT OF DEKALB COUNTY, ALABAMA
TODD GREESON, CLERK

Exhibit A

IN THE CIRCUIT COURT OF DEKALB COUNTY, ALABAMA

DONNA HART,

Plaintiff,

v.

Case No.: _____

WAL-MART ASSOCIATES, INC., a
corporation; FICTITIOUS DEFENDANT
A, being the person, firm or corporation
which owned, operated, or controlled the
WAL-MART store located at 2001 Glenn
Blvd., SW, Fort Payne, Alabama on
September 9, 2020; FICTITIOUS
DEFENDANT B, being the person,
firm, or corporation who was responsible
for maintaining and keeping the aisles of
the WAL-MART Store located at 2001
Glenn Blvd. SW, Fort Payne, Alabama on
September 9, 2020 free of debris, tripping
and/or slipping hazards; and FICTITIOUS
DEFENDANT C, being the individual
manager or supervisory person
at the WAL-MART Store located at 2001
Glenn Blvd SW, Ft. Payne, Alabama
on September 9, 2020 who was responsible
for maintaining and keeping the premises
free of slipping and tripping hazards
at the time of the Plaintiff's injury, whose
true names and legal status are unknown to
the Plaintiff at this time, but who will be
added by substitution once ascertained.

Defendants.

COMPLAINT

COMES NOW Plaintiff Donna Hart, by and through her undersigned counsel of record,
and hereby files this civil action for negligence and wantonness for injuries she sustained in
connection with a premises liability incident that occurred on September 9, 2020.

Parties and Venue

1. Plaintiff Donna Hart ("Plaintiff") is an adult resident citizen of Dekalb County, Alabama.

2. The Defendant, Wal-Mart Associates, Inc. ("Defendant Wal-Mart"), is a foreign corporation with a brick-and-mortar presence in, and regularly doing business in, Dekalb County, Alabama.

3. Fictitious Defendant A is, upon information and belief, the individual and/or entity that owned, operated and controlled the Wal-Mart store located at 2001 Glenn Blvd SW, Fort Payne, Alabama at the time of the incident made the basis of this action. The identity of Fictitious Defendant A is not known at this time but will be substituted once ascertained.

4. Fictitious Defendant B is, upon information and belief, the individual and/or entity that was responsible for keeping the aisles of the Wal-Mart store located at 2001 Glenn Blvd SW, Fort Payne, Alabama free of tripping and/or slipping hazards at the time of the incident made the basis of this action. The identity of Fictitious Defendant B is not known at this time but will be substituted once ascertained.

5. Fictitious Defendant C is, upon information and belief, the individual and/or entity who was responsible for managing and/or supervising those individuals needed to keep the aisles of the Wal-Mart store located at 2001 Glenn Blvd SW, Fort Payne, Alabama free of slipping and/or tripping hazards at the time of the incident made the basis of this action. The identity of Fictitious Defendant C is not known at this time but will be substituted once ascertained.

6. The incident which forms the basis of this case occurred in the Fort Payne Wal-Mart store (2001 Glenn Blvd SW, Fort Payne, Alabama) in Dekalb County, Alabama.

7. It is upon the information and belief of the Plaintiff that the fictitious Defendants, A, B, and C are individual citizens and/or corporate entities doing business in the State of Alabama.

Factual Allegations

8. On September 9, 2020, Plaintiff was a business invitee on the premises of the Defendant Wal-Mart's store located at 2001 Glenn Blvd SW, Fort Payne, Alabama. As Plaintiff was walking into the Cost Cutters hair salon entrance, she was caused to trip on the edge of the floor covering as it transitioned from the smooth floor surface of the Wal-Mart entry area. She fell as a result of the height of the floor covering.

9. As a result of her fall, Plaintiff suffered bodily injury to her person, physical pain and suffering and will suffer more in the future. Plaintiff was forced to undergo medical treatment, including physical therapy, and incur medical bills and may incur more in the future.

Count I

Negligence/Wantonness against Defendant Wal-Mart
and Fictitious Defendants A, B, and C

10. Plaintiff re-alleges and incorporates herein by reference each and every allegation set forth above.

11. Plaintiff avers that all of her injuries and damages were proximately caused by the combined and/or concurring negligence and/or wantonness of Defendant Wal-Mart and/or Fictitious Defendants A, B and/or C and/or their agents, servants, or employees while acting within the line and scope of their employment for the Defendants.

12. At the time of the incident which is the subject of this action, Plaintiff was a business invitee on the premises of the Wal-Mart store made the basis of this suit. Her injuries and damages were proximately caused by the negligent and/or wanton failure of Defendant Wal-Mart and/or Fictitious Defendant A, B and/or C to use reasonable care to provide her with a reasonably

safe environment, *to wit*, aisles free of tripping hazards and to ensure that all flooring transitions are safe for pedestrian traffic.

WHEREFORE, Plaintiff claims of Defendants, separately and severally, an amount of compensatory and punitive damages as determined at a trial of this matter, together with interest and costs of this action.

Respectfully submitted,

/s/ Jonathan L. Brogdon

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Of Counsel:

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PLEASE SERVE THE DEFENDANT AT THE FOLLOWING ADDRESS:

WAL-MART ASSOCIATES, INC.
c/o CT Corporation System
2 North Jackson Street
Suite 605
Montgomery, Alabama 36104